



North America Europe Asia

200 Park Avenue  
New York, NY 10166  
T +1 212 294 6700  
F +1 212 294 4700

**EVAN C. MILLER**

Associate  
212-294-6728  
EMiller@winston.com

December 4, 2020

**VIA ECF**

Hon. Vernon S. Broderick, U.S.D.J.  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 415  
New York, NY 10007

**Re:** *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litig.*, MDL No. 2542; Master Docket No. 1:14-md-02542-VSB-SLC: Request to File Under Seal re Reply Memorandum of Law By Plaintiffs TreeHouse Foods, Inc., Bay Valley Foods, LLC, and Sturm Foods, LLC, In Support of Objections to Magistrate Judge's Discovery Order

Dear Judge Broderick:

I write as counsel for Plaintiffs TreeHouse Foods, Inc., Bay Valley Foods, LLC, and Sturm Foods, Inc. (collectively, "TreeHouse") in accordance with Your Honor's Individual Rules & Practices in Civil Cases 5.B to request leave to file under seal or to redact limited portions of TreeHouse's Reply Memorandum of Law in Support of Plaintiffs' Objections to Magistrate Judge Cave's October 30 Discovery Order and accompanying Exhibits 1, 2, 3, 4, and 5, which will be filed today, December 4, 2020.

I enclose with this letter request unredacted versions of the letter motion and Exhibits 1, 4, and 5, with the portions requested to be sealed highlighted. I also enclose unsealed versions of Exhibits 2 and 3.

TreeHouse requests that the **green**-highlighted language in the letter motion be sealed because it quotes or paraphrases documents that Defendant Keurig Green Mountain, Inc. ("Keurig") claims are covered by the attorney-client privilege and is attempting to clawback and that Keurig also claims are Highly Confidential under the Stipulated Amended Protective Order. *See* ECF No. 496.

TreeHouse requests that the **blue**-highlighted language in the letter motion be sealed because it references the transcript of the October 7, 2020 hearing on TreeHouse's motion regarding Keurig's attempt to clawback two documents, the subject of TreeHouse's Reply filed today. TreeHouse is presently challenging Keurig's requested redaction of the October 7, 2020 transcript, and previously submitted a letter on this issue. *See* ECF No. 1186. However, as Keurig has requested that this Court keep the entire transcript sealed, *see* ECF No. 1184, TreeHouse requests that the blue-highlighted language be kept under seal until this Court rules on Keurig's request to keep the entire October 7, 2020 hearing transcript sealed.



December 4, 2020  
Page 2

TreeHouse requests that the yellow-highlighted language in the letter motion be sealed because it quotes from or paraphrases Exhibits 2 and 3, which Keurig has designated as Highly Confidential and which TreeHouse also request be sealed.

TreeHouse requests that the yellow-highlighted language in Exhibits 1, 4, and 5 be sealed because it contains information designated as Highly Confidential by Keurig pursuant to the Stipulated Amended Protective Order. TreeHouse further requests that Exhibits 2 and 3 be sealed in full because they have been designated as Highly Confidential pursuant to the Stipulated Amended Protective Order, *See* ECF No. 496.

Accordingly, TreeHouse asks the Court to permit the letter motion and Exhibits 1, 2, 3, 4, and 5 to be filed under seal.

In making this request, TreeHouse is not conceding that any of the information designated as confidential by Keurig is in fact so, and TreeHouse reserves its rights to challenge such designations at a later date.

TreeHouse thanks the Court for its consideration.

Respectfully submitted,

/s/ Evan C. Miller  
Evan C. Miller  
**Winston & Strawn LLP**  
200 Park Avenue  
New York, NY 10166  
(212) 294-6700  
emiller@winston.com

*Counsel for Plaintiffs TreeHouse  
Foods, Inc., Bay Valley Foods,  
LLC, and Sturm Foods, Inc.*

Enclosure

cc: Counsel for All Parties (via ECF)